

United States District Court

NORTHERN DISTRICT OF CALIFORNIA

E-FILING ADR

ALERE MEDICAL, INC., a California Corporation

SUMMONS IN A CIVIL CASE

CASE NUMBER:

C07

05054

MEJ

v.

HEALTH HERO NETWORK, INC., a California Corporation

TO: (Name and address of defendant)

Health Hero Network, Inc.
2400 Geng Road, Suite 200
Palo Alto, CA 94303

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

William F. Abrams (SBN 88805)/Patrick T. Weston (SBN 211448)

Samantha Reardon (SBN 240068)

Bingham McCutchen LLP, 1900 University Ave., East Palo Alto, CA 94303-2223

Phone: (650) 849-4400; Fax: (650) 849-4800

email: william.abrams@bingham.com; patrick.weston@bingham.com;
samantha.reardon@bingham.com

an answer to the complaint which is herewith served upon you, within twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgement by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

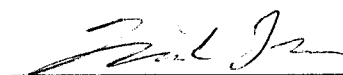
Richard W. Wieking

CLERK

DATE **OCT - 1 2007**


(BY) DEPUTY CLERK

AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and Complaint was made by me ¹		DATE 10/01/2007
Name of SERVER Minh Tran	TITLE Registered California Process Server	
<i>Check one box below to indicate appropriate method of service</i>		
<div style="display: flex; align-items: flex-start;"> <div style="margin-right: 10px;"> <input checked="" type="checkbox"/> </div> <div> <p>Served Personally upon the Defendant. Place where served: HEALTH HERO NETWORK, INC. 2400 Geng Road, Suite 200, Palo Alto, CA 94303</p> </div> </div> <div style="margin-top: 10px;"> <input type="checkbox"/> <p>By Leaving the Documents with Peter Musso, Authorized Agent Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left:</p> </div> <div style="margin-top: 20px;"> <input type="checkbox"/> <p>Returned unexecuted:</p> </div> <div style="margin-top: 20px;"> <input type="checkbox"/> <p>Other (specify):</p> </div>		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES \$60.00	TOTAL \$60.00
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="width: 40%;"> <p>Executed on <u>10/02/2007</u></p> <p style="text-align: center; font-size: small;">Date</p> </div> <div style="width: 55%; text-align: right;">  <p style="font-size: small;">Signature of Server</p> <p>Careful Attorney Service 453 Bryant Street, San Francisco, CA 94107</p> <p style="font-size: small;">Address of Server</p> </div> </div>		
<p>(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure</p>		

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): Bingham McCutchen LLP Samantha Reardon, 240068 1900 University Avenue East Palo Alto, CA 94303		TELEPHONE NO.: (650) 849-4400		FOR COURT USE ONLY	
ATTORNEY FOR (Name): ALERE MEDICAL, INC.		Ref. No. or File No. 0000322390			
Insert name of court, judicial district or branch court, if any: UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA					
PLAINTIFF: ALERE MEDICAL, INC., a California Corporation					
DEFENDANT: HEALTH HERO NETWORK, INC., a California Corporation					
PROOF OF SERVICE	DATE:	TIME:	DEPT/DIV:	CASE NUMBER: C07 05054 MEJ	

UNITED STATES DISTRICT COURT DECLARATION OF SERVICE

I, THE UNDERSIGNED, DECLARE UNDER PENALTY OF PERJURY THAT I WAS ON THE DATE HEREIN REFERRED TO OVER THE AGE OF 18 YEARS AND NOT A PARTY TO THE WITHIN ENTITLED ACTION. I SERVED THE:

Summons in a Civil Case; Complaint of Plaintiff Alere Medical, Inc. for Declaratory Judgment - Demand for Jury Trial; Order Setting Initial Case Management Conference and ADR Deadlines; Civil Cover Sheet; Certification of Interested Entities or Persons (Civil L.R. 3-16); Notice of Pendency of Other Action or Proceeding (Civil L.R. 3-13)

ON: **HEALTH HERO NETWORK, INC.**

AT: **2400 Geng Road, Suite 200**
Palo Alto, CA 94303

IN THE ABOVE MENTIONED ACTION BY DELIVERING TO AND LEAVING WITH:
Peter Musso - Authorized Agent

ON: **10/01/2007**
AT: **04:21 pm**

Manner of service in compliance with Federal Code of Civil Procedure.

Fee for Service: **60.00**

County: **Santa Clara**
Registration No.: **#954**
Careful Attorney Service
453 Bryant St.
San Francisco, CA 94107
(415) 864-8014

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the return of service and statement of service fees is true and correct and that this declaration was executed on **October 2, 2007**.

Signature: _____

Minh Tran

PROOF OF SERVICE